

SIXTY-EIGHTH DAY.

Senate Chamber,
Austin, Tex., Friday, April 9.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Linn of Wharton.
Bowser.	Morriss.
Colquitt.	Neal.
Darwin.	Presler.
Dibrell.	Ross.
Goss.	Terrell.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Kerr.	Yett.

Absent.

Boren.	Stone.
Burns.	Yantis.
Stafford.	

Excused.

Rogers.	Tillett.
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Prayer by the Chaplain, Rev. F. S. Jackson.

Almighty God: This new day brings to us new duties, responsibilities and perhaps temptations; therefore, we pray Thee for renewed inspiration for direction, and Thy sustaining grace. According to the infinite sweep of Thy love and compassion, forgive our sins. Clear our mental vision, perfect our judgments, and make keen and sensitive our consciences, that we may be quick to detect the wrong and approbate the right. Let Thy fatherly care and protection be over the loved ones of these gentlemen, and their business interests, during these days of absence. Grant these favors in the name of Christ, our Redeemer. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Woods, the same was dispensed with.

On motion of Senator Neal, Senator Stafford was excused for today, on account of sickness.

On motion of Senator Ross, Senator Gough was excused for non-attendance on Wednesday last, on account of sickness.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 306, a bill to be entitled "An act to incorporate the city of Houston, and grant it a new charter,"

Have had the same under consideration, and I am intructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, April 9, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 347, a bill to be entitled "An act to render more efficient and more effective the present road law of the State of Texas in its application and operation in the counties of Galveston, Harris, Brazoria and Wharton, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within the said respective counties."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WAYLAND, Chairman.

Committee Room,
Austin, Texas, April 9, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 616, a bill to be entitled "An act to create a more efficient road system for the county of Calhoun, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as said road commissioners, and defining the powers and duties of said commissioners, and providing for the appointment of road overseers, defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers' and witnesses' fees, and providing for the working of delinquent poll tax payers upon said roads."

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do pass.

WAYLAND, Chairman.

Committee Room,
Austin, Texas, April 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 575, a bill to be entitled "An act to establish a more efficient road system for Marion county, and to provide for the appointment of county superintendent of public roads."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WAYLAND, Chairman.

Committee Room,
Austin, Texas, April 9, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 592, a bill to be entitled "An act to amend section 3, of chapter 132, of the acts of the Twenty-fourth Legislature, establishing a special road law for Dallas and Lamar counties, prescribing the same fees in county convict cases for the officers in said counties as those allowed officers in similar cases under the general laws of the State,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WAYLAND, Chairman.

Committee Room,
Austin, Texas, April 8, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 320, entitled "An act to amend title XXIII, chapter 4, of the Revised Civil Statutes of the State of Texas, relating to county lines, by adding thereto article 808a,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,
Austin, Texas, April 9, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills

have carefully examined and compared

Senate joint resolution No. 13, a joint resolution to amend section 24, of article 3, of the Constitution of the State of Texas,

And find the same correctly engrossed.

GOUGH, Chairman.

Call concluded.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, April 8, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 677, a bill to be entitled "An act to amend sections 23 and 24 of House bill No. 351, entitled 'An act to provide for the construction and maintenance of ditches and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas, and to repeal all laws in conflict with this act,' passed at the present session."

House bill No. 518, a bill to be entitled "An act to amend articles 5243i, 5243j and 5243k, of chapter 9, title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and the manner of forfeiting the charters and permits of such corporations for failure to pay such tax, and of reviving the same."

Also, that the House has adopted the report of the free conference committee on Senate bill No. 13, an act to abolish the unorganized counties of Buchel and Foley, and incorporate their territory in the county of Brewster.

Also, that the House has granted the request of the Senate to return substitute Senate bill No. 163, an act to amend articles 3984, 3985 and 4028 of the Revised Civil Statutes of 1895, prescribing the penalties for violations of this act, and repealing articles 3986 and 3987.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

IN SENATE.

The above reported House bills were read first time, and referred as follows:

House bill No. 677, to Committee on Mining and Irrigation.

House bill No. 518, to Committee on State Affairs.

SPECIAL ORDER.

The Chair laid before the Senate, on second reading,

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure, for use in the public free schools of the State of Texas, a series of uniform text-books; defining the duties of certain officers therein named with reference thereto; making appropriation therefor; defining certain misdemeanors; providing penalties for the violation of the provisions of this act, and declaring an emergency."

Action being on the amendments offered by Senator Presler (see Journal of April 6).

First amendment read, to-wit:

Amend section 1 by striking out all the words of this section after the word "the" in line 26, and inserting in lieu thereof the following: "Books furnished shall be in all respects equal to the samples furnished the text-book board at the time of filing bids, and fully equal in both internal and in external material qualities to the books in general use in the State on the respective subjects."

Adopted.

Second amendment read, to-wit:

Amend section 2, page 3, by adding after "act," in line 19, the following: "Said bond shall not be exhausted by a single recovery, but may be sued upon from time to time till the full amount thereof is recovered, and the board may at any time after twenty days' notice require a new bond to be given."

Adopted.

Third amendment read, to-wit:

Amend section 3, page 3, by inserting after the word "books," in line 28, the following: "Said text-book board shall then proceed without delay to adopt for use in the public schools of this State text-books upon the branches hereinbefore mentioned, and notify publishers to whom contracts are awarded, and as each contract duly signed by the publishing house, or its authorized officers or agents, is presented to the board, if it is found to be in accordance with the award and the provisions of this act, and the bond herein required is presented, duly approved, the board shall approve said contract, and order it to be signed on behalf of the State by the Governor, who shall be ex officio chairman of the text-book board, in his ca-

capacity as chairman, and by the State Superintendent of Public Instruction, who shall be ex officio secretary of the text-book board, in his capacity as said secretary; thereupon, the Governor and the State Superintendent of Public Instruction shall sign said contract in said respective capacities; and all contracts shall be made in duplicate, one copy to remain in the possession of the secretary, and to be copied in full in the minutes of the meetings of said board, to be kept in the office of the State Superintendent of Public Instruction in a well bound book, and the other copy to be delivered to the company or its agent."

Adopted.

Fourth amendment read, to-wit:

Amend section 3 by striking out all after the word "price," in line 5, page 4, and insert in lieu thereof the following, "above or in excess of the lowest price at which said publisher, or publishers, furnish under contract, the said book or books to any State, county or school district in the United States."

Adopted.

Fifth amendment read, to-wit:

Amend section 5, line 1, page 5, by striking out the word "board" and inserting "the State Superintendent of Public Instruction."

Adopted.

Sixth amendment read, to-wit:

Amend section 6, page 5, by inserting after the word "State," in line 10, the following, "having an enrollment of 500 pupils, or more, in the public schools, as shown by the last report of the county superintendent of the county, on file in the office of the State Superintendent of Public Instruction, and any person, in a county not having an agency for any of the adopted books, may order from the central agency, and the books so ordered shall be sent to him at any post-office in the county, at the retail contract price; provided, that the price of the books so ordered shall be paid in advance."

Adopted.

Seventh amendment read, to-wit:

Amend section 9, page 6, by striking out all after "that," in line 4, to and including the word "books," in line 7, and insert the following, "first-class suitable books on any branch herein named can not be secured by adopting any of the offers submitted in compliance with the provisions of this act, and that such books on such branch can be secured at rates not exceeding those fixed by this act by pro-

curing and causing to be published manuscript of books on said branch." Adopted.

By Senator Goss:

Amend section 1 by inserting after the word "books," in line 2, page 2, the following words: "The State text-book board shall appoint a commission, consisting of five persons engaged in the school business as teachers, or city or county superintendents, who shall examine in executive session all books sent to the State text-book board as samples upon which bids are to be based, and shall report upon the merits of the books, irrespective of price, taking into consideration, chiefly, the internal merits or subject matter of the books, but having proper regard also to the material and mechanical qualities of the books, and shall report a classified list of said books to the State text-book board at a date fixed by said board, arranging the books of each class and sub-class or division in said report in the order in which they are recommended; that is, the first reader to which the commission gives its first recommendation shall be first on the list of first readers; the first reader to which the board may give its second recommendation shall be placed second on the list, and so on until all books examined by the said commission shall have been properly listed. This report shall be delivered to the text-book board under seal, and shall not be opened until the board meets to open and consider the bids of publishers or others desiring to have books adopted by the said board. The members of said commission shall, before entering upon their duties, each take and subscribe to an oath, and shall file the same with the secretary of the text-book board, to examine all books referred to said commission faithfully and carefully and make true report thereon, as herein prescribed and directed. The State text-book board, in adopting books, shall consider the said report together with the bids made by publishers, and adopt books to which the commission gives its first recommendation, unless other books on the same subjects coming later on the said lists are offered at lower prices, taking into consideration subject matter, material, style, binding and mechanical excellence, in which case the text-book board will exercise its discretion, and shall be authorized to make an adoption in view of all the circumstances. If the text-book commission considers differ-

ent books of the same class or division to be of approximately equal merit, all things being considered, they shall so report; and if they consider that any of the books offered are of such general character as to make them inferior and not worthy of adoption by the State text-book board, they shall in their report so designate such books. The compensation of this commission shall be fixed by the State text-book board, and shall be paid with their expenses, from the special appropriation authorized in this act."

Adopted.

By Senator Darwin:

Amend section 2, line 5, page 3, by striking out the word "may" and insert the word "shall."

Adopted.

By Senator Darwin:

Amend section 15, line 12, by inserting after the word "any" the word "county."

Adopted.

(Senator Atlee in the chair.)

By Senator Goss:

Amend by striking out "1898," in line 15, page 7, and inserting "1899."

By Senator Dibrell:

Substitute the amendment as follows: Amend by striking out in section 15, lines 14 and 15, the following, "prior to the first day of September, 1898."

Lost by the following vote:

Yeas—7.

Beall.	Lewis.
Burns.	Linn of Victoria.
Dibrell.	Ross.
Greer.	

Nays—14.

Atlee.	Harrison.
Bailey.	Kerr.
Bowser.	Linn of Wharton.
Colquitt.	Presler.
Darwin.	Terrell.
Goss.	Woods.
Gough.	Yett.

Absent.

Boren.	Turney.
Morriss.	Wayland.
Neal.	Yantis.
Stone.	

Excused.

Rogers.	Tillett.
Stafford.	

The amendment (Goss') was then adopted by the following vote:

Yeas—17.

Atlee.	Beall.
Bailey.	Bowser.

Burns.	Lewis.
Darwin.	Linn of Victoria.
Dibrell.	Linn of Wharton.
Goss.	Presler.
Gough.	Ross.
Greer.	Yett.
Kerr.	

Nays—4.

Colquitt.	Terrell.
Harrison.	Woods.

Absent.

Boren.	Turney.
Morriss.	Wayland.
Neal.	Yantis.
Stone.	

Excused.

Rogers.	Tillett.
Stafford.	

Senator Colquitt called up Senator Presler's motion to reconsider the vote by which the third committee amendment, to-wit: "Amend section 1 by striking out the words 'President of the State University,' and insert 'Attorney-General,'" was lost.

Pending action,

On motion of Senator Goss, the regular order of business was suspended to take up, on its third reading,

Senate joint resolution No. 13, to amend section 24 of article 3 of the Constitution of the State of Texas.

Resolution read third time.

Senator Darwin moved that the Senate adjourn to 10 a. m. Monday.

Lost.

Senator Darwin moved that further consideration of the resolution be indefinitely postponed.

Lost.

The resolution was then lost by the following vote (requiring a two-thirds vote of the entire Senate):

Yeas—19.

Atlee.	Kerr.
Bailey.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Terrell.
Dibrell.	Turney.
Goss.	Woods.
Gough.	Yett.
Harrison.	

Nays—3.

Boren.	Greer.
Darwin.	

Absent.

Linn of Wharton.	Stone.
Morriss.	Wayland.
Neal.	Yantis.

Excused.

Rogers.	Tillett.
Stafford.	

Senator Greer moved to reconsider the vote by which the resolution was lost, and had same spread on the Journal.

On motion of Senator Colquitt, substitute Senate bill No. 41 (general appropriation bill) was made special order for Monday, April 12, after call, and from day to day.

Senator Harrison moved that the Senate adjourn to 10 a. m. Monday.

Senator Goss moved that the Senate adjourn to 3 p. m. to-day.

The Senate refused to adjourn to 10 a. m. Monday.

The Senate adjourned to 3 p. m. to-day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Atlee.	Harrison.
Beall.	Kerr.
Bowser.	Lewis.
Colquitt.	Linn of Victoria.
Darwin.	Linn of Wharton.
Dibrell.	Ross.
Goss.	Terrell.
Gough.	Turney.
Greer.	Woods.

Absent.

Bailey.	Presler.
Boren.	Stone.
Burns.	Wayland.
Morriss.	Yantis.
Neal.	Yett.

Excused.

Rogers.	Tillett.
Stafford.	

Senator Harrison moved a call of the Senate for the purpose of securing a quorum, which was ordered, the following Senators answering to their names:

Atlee.	Gough.
Bailey.	Greer.
Beall.	Harrison.
Bowser.	Kerr.
Burns.	Lewis.
Colquitt.	Linn of Victoria.
Darwin.	Linn of Wharton.
Dibrell.	Presler.
Goss.	Ross.

Terrell.	Woods.
Turney.	Yett.
	Absent.
Boren.	Stone.
Morriss.	Wayland.
Neal.	Yantis.
	Excused.
Rogers.	Tillett.
Stafford.	

Quorum announced.

Senator Colquitt entered a motion to reconsider the vote by which

House bill No. 157, a bill to be entitled "An act to amend article 2977 of chapter 4, title 55, of the Revised Statutes of the State of Texas, relating to divorce, so as to permit the wife to obtain a divorce where the husband shall have left her for one year with intention of abandonment, or for non-support, and permit either party to obtain a divorce on account of the continued drunkenness of the other, and to repeal all laws and parts of laws in conflict herewith,"

Was passed to third reading on yesterday.

Senator Goss called up Senator Greer's motion to reconsider the vote by which Senate joint resolution No. 13 was lost. (See morning session.)

Reconsidered.

The resolution was then passed by the following vote:

Yeas—21.

Atlee.	Kerr.
Bailey.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Presler.
Colquitt.	Ross.
Dibrell.	Terrell.
Goss.	Turney.
Gough.	Woods.
Greer.	Yett.
Harrison.	

Nays—1.

Darwin.

Absent.

Boren.	Stone.
Morriss.	Wayland.
Neal.	Yantis.

Excused.

Rogers.	Tillett.
Stafford.	

Senator Goss moved to reconsider the vote by which the resolution was passed, and to lay that motion on the table.

Tabled.

On motion of Senator Burns, the regular order of business was sus-

pending to take up on its second reading,

Senate bill No. 306, a bill to be entitled "An act to provide a charter for the city of Houston."

Bill read second time.

Senator Burns moved to substitute the corrected printed bill for the original bill as introduced.

Carried.

Senator Burns offered the following amendments:

Amend section 2, line 2, by striking out the word "four" and inserting in lieu thereof the word "three."

Amend section 2, lines 5 and 6, by striking out the following: "As they existed prior to the passage of this act."

Amend section 2, line 16, by adding after the word "such" the following, to-wit: "Any territory adjoining the present or future boundaries of said city, may, from time to time, be admitted and become a part thereof, upon application and written consent given to the city council by the owner, or owners of said land; or, as the case may be, by a majority vote of the legal voters resident on the land sought to be added. In all such cases the territory so added shall be described by metes and bounds in an ordinance accepting, assenting and adding the same to the municipal corporation."

Amend section 3, page 2, line 8, after the word "time" where it last occurs in said line (8) by adding the following: "as may be deemed expedient, having regard for the number of inhabitants, so that each ward shall contain as nearly as may be the same number of qualified electors."

Amend section 3, page 2, line 10, by adding after the word "ward" in said line 10 the following: "Provided, that the number of aldermen shall not exceed twelve; and provided further, that the city council may, by ordinance, provide, in the event of said city being divided into twelve wards, that said board of aldermen shall consist of one alderman selected from the qualified voters of each ward."

Amend section 4, page 2, lines 5, 6, and 7, by striking out the following: "That all voters in city elections shall be required to exhibit to the judge of election a receipt for poll tax paid for the year preceding that in which said election is held."

Amend section 5, page 2, by adding after the word "established," in line 1 of said section, the following: "and arranged by districts."

Amend section 5, page 3, by adding after "building," in line 3, the following: "Provided, the voter shall vote in the district of his residence."

Amend section 6, by adding after "a city attorney" the following: "a recorder and a health officer."

Amend section 7 by striking out "city recorder" and "a health officer."

Amend section 9, page 4, line 9, of said section, by striking out "one thousand dollars," and inserting "five hundred dollars."

Amend section 9 by adding after the word "therein," in line 15, the following: "Provided, that the recommendation of the Board of Public Works, as reported to the council, shall be final, unless altered or changed by a two-thirds vote of all the aldermen."

Amend section 10 by striking out the following: "On the Monday of each weeeek," and insert in lieu thereof "as often as may be determined by the city council, not to exceed four meetings per month."

Amend section 14 by striking out "two dollars," and inserting in lieu thereof "one dollar."

Amend section 15 by striking out "two dollars," and inserting in lieu thereof "one dollar."

Amend section 16, page 12, by striking out "four dollars," and inserting in lieu thereof "two dollars." Further amend said section by striking out "two dollars to the city attorney and two dollars to the city marshal," and insert in lieu thereof "one dollar to the city attorney and one dollar to the city marshal."

Amend section 34, page 24, by adding after the word "purchase," in paragraph 3, the following: "Provided, that the issuance of said bonds shall first be submitted to a vote of the tax payers of the city of Houston."

Amend section 37, page 30, by adding after the word "same" the following: "Provided, that the conclusions and recommendations of the Board of Public Works shall be final unless changed, altered or rejected by a majority vote of two-thirds of all the aldermen."

Amend section 37, page 30, by striking out the words "one thousand dollars," and inserting in lieu thereof "five hundred dollars."

Amend section 40, page 37, by striking out "attorney fee of ten per cent," and insert in lieu thereof "attorney fee of five per cent."

Amend section 40, page 36, by striking out the following: "and all questions as to misnomer, proper par-

ties to the suit for taxes, misdescription and to suits against unknown owners shall apply in favor of the city of Houston, and no person shall be permitted to question the same until all taxes due upon the property have been paid."

Amend section 40, page 39, by striking out "two dollars" whenever it occurs, and insert in lieu thereof "one dollar."

Amend section 40, page 42, by striking out "three aldermen," and inserting in lieu thereof "two aldermen," and adding after the word "aldermen" "and one citizen."

Amend section 40, page 43, by inserting after the word "determined," in line 3, the following, "not to exceed \$5 per day;" and further amend by adding after the word "appeal" the following, "provided further, that the board of appraisement shall not remain in session over sixty days."

Amend section 41 by striking out, in line 5, the following, "constructing sidewalks," and in line 6 by striking out "building bridges, erecting school buildings and fire houses;" further amend by striking out the following, "and for the year 1898 shall have authority to issue a like amount of bonds, the proceeds of the sale of which shall be devoted to the same purpose;" further amend by striking out the words "other purpose," in line 13, and insert in lieu thereof "permanent improvements;" further amend by adding after the word "therefore," in line 15 of said section, by adding "no additional bonds shall be issued for any purpose without submission to a vote of the taxpayers of said city;" further amend by striking out the words, "two-thirds of the voters" and inserting in lieu thereof "a majority of the voters."

Amend by inserting after section 42 the following: "Section 43. The city council may, whenever it deems it to the best interest of the city, pass an ordinance fixing salaries for all officers and employes, and provide by ordinance that all fees and commissions shall be paid into the treasury of the city; provided further, that this ordinance, in the event of its passage, shall not become effective until the next city election."

Amend section 26 by adding thereto section 26a, as follows: "Section 26a. That on and after January 1, 1898, the police, fire and health departments of the city of Houston shall be placed under civil service rules and regulations, save and except the heads of said de-

partments, and shall be under the supervision, direction and control of the heads of said departments. The mayor and four aldermen receiving the highest number of votes at a city election shall constitute a board, which shall be known as the 'police, fire and health departments of the city of Houston,' which said board shall make all necessary rules and regulations for the examination of applicants for positions in said departments, and said board shall also pass upon all charges preferred against any member or employe of any of said departments."

Further amend section 43 by striking out "43" and inserting in lieu thereof "45."

Amend section 24 by striking out "mayor and hospital committee" and insert in lieu thereof "health physician."

Amend section 26 by striking out the first paragraph, and inserting in lieu thereof the following: "That the tenure of service of all employees in the fire, police and health departments of the city of Houston shall continue during efficient service and good behavior, except the heads of departments, and no member of the fire, police and health departments now in the service, or that may hereafter enter such service of said departments, shall be discharged from said service of said departments unless proven guilty of an offense of sufficient gravity in the opinion of said police, Fire and Health Board of the city of Houston for such discharge, and in any event such discharged member or employee shall have the right of appeal from said board to the city council; but said member or employe shall stand suspended during the pendency of said appeal to the city council, and in case the charges are not sustained against said member or employe, such suspended member or employe shall be entitled to regular pay from the date of his suspension and be reinstated in the service."

The above were read and adopted.

Bill as amended ordered engrossed.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Darwin.
Bailey.	Dibrell.
Bowser.	Goss.
Burns.	Gough.
Colquitt.	Greer.

Harrison.	Ross.
Kerr.	Terrell.
Lewis.	Turney.
Linn of Victoria.	Woods.
Linn of Wharton.	Yett.
Presler.	

Nays—none.

Absent.

Beall.	Stone.
Boren.	Wayland.
Morriss.	Yantis.
Neal.	

Excused.

Tillett.

Rogers.
Stafford.

Bill read third time, and passed by the following vote:

Yeas—22.

Atlee.	Greer.
Bailey.	Harrison.
Beall.	Kerr.
Boren.	Lewis.
Bowser.	Linn of Victoria.
Burns.	Linn of Wharton.
Colquitt.	Presler.
Darwin.	Ross.
Dibrell.	Terrell.
Goss.	Turney.
Gough.	Woods.

Nays—none.

Absent.

Morriss.	Wayland.
Neal.	Yantis.
Stone.	Yett.

Excused.

Tillett.

Rogers.
Stafford.

The Chair gave notice of signing, and did sign in the presence of the Senate, after its caption had been read,

Senate bill No. 13, a bill to be entitled "An act to abolish the unorganized counties of Buchel and Foley, and to incorporate their territory into the county of Brewster, to provide for the payment of certain bonds held by the State against such unorganized counties out of funds now held to their credit, and for the transfer and payment of the balance of said funds to the proper officers of Brewster county.

On motion of Senator Bailey, the regular order of business was suspended to take up, on its third reading,

House bill No. 459, a bill to be entitled "An act to require bond investment companies doing business in the State of Texas to deposit certain sums of money or securities with the Treasurer of the State of Texas, and pro-

viding penalties for failing to comply with the terms of this law."

Bill read third time, and passed.

On motion of Senator Beall, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 345, a bill to be entitled "An act to further amend section 2, of an act entitled an act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, of chapter 58, of the General Laws of Texas, approved March 27, 1885, creating the Fortieth District, and to repeal all laws in conflict with this act, approved March 21, 1893, as amended by an act entitled 'An act to amend section 2, of an act to be entitled an act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, chapter 58, of the General Laws of Texas, approved March 27, 1885, creating the Fortieth Judicial District, and to repeal all laws in conflict with this act,' passed at the present session of the Legislature, and to further regulate and fix the times of holding courts in the Fortieth Judicial District, and to repeal all laws in conflict herewith."

Bill read second time.

By Senator Beall:

Amend by striking out "fifteen" in the caption, where it first occurs, and insert "fifteenth."

Adopted.

By Senator Beall:

Amend by striking out in section 1 the following: "Beginning in Ellis county on the third Monday in May, and may continue in session until the business is disposed of, not to interfere with the other term of court herein provided for," and insert in lieu thereof the following: "Beginning in Ellis county on the third Monday in May, and continue in session nine weeks."

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Beall, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Atlee.
Bailey.
Beall.
Boren.
Bowser.
Burns.
Colquitt.
Darwin.
Dibrell.
Goss.
Gough.

Morriss.
Neal.
Stone.

Rogers.
Stafford.

Atlee.
Beall.
Boren.
Bowser.
Burns.
Colquitt.
Darwin.
Dibrell.
Goss.
Gough.
Greer.

Bailey.
Morriss.
Neal.

Rogers.
Stafford.

Yeas—22.

Greer.
Harrison.
Kerr.
Lewis.
Linn of Victoria.
Linn of Wharton.
Presler.
Ross.
Terrell.
Turney.
Woods.

Nays—none.

Absent.

Wayland.
Yantis.
Yett.

Excused.

Tillett.

Bill read third time, and passed by the following vote:

Yeas—22.

Harrison.
Kerr.
Lewis.
Linn of Victoria.
Linn of Wharton.
Presler.
Ross.
Terrell.
Turney.
Woods.
Yett.

Nays—none.

Absent.

Stone.
Wayland.
Yantis.

Excused.

Tillett.

On motion of Senator Turney, the regular order of business was suspended to take up, on second reading,

House bill No. 389, a bill to be entitled "An act to amend subdivision 32, of article 22, title 4, of the Revised Civil Statutes of the State of Texas, fixing the time for holding the district court in the Thirty-second judicial district."

Bill read second time, and passed to third reading.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Harrison.
Beall.	Lewis.
Boren.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Terrell.
Dibrell.	Turney.
Goss.	Woods.
Gough.	Yett.
Greer.	

Nays—none.

Absent.

Bailey.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.
Neal.	

Excused.

Rogers.	Tillett.
Stafford.	

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Harrison.
Beall.	Lewis.
Boren.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Terrell.
Dibrell.	Turney.
Goss.	Woods.
Gough.	Yett.
Greer.	

Nays—none.

Absent.

Bailey.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.
Neal.	

Excused.

Rogers.	Tillett.
Stafford.	

On motion of Senator Linn of Wharton, the regular order of business was suspended to take up, on third reading,

House bill No. 557, a bill to be entitled "An act to amend article 22, title 4, of the Revised Civil Statutes, so as to extend the time of the district court of Walker and Fort Bend counties."

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Colquitt.
Beall.	Darwin.
Boren.	Dibrell.
Bowser.	Goss.
Burns.	Gough.

Greer.	Ross.
Harrison.	Terrell.
Lewis.	Turney.
Linn of Victoria.	Woods.
Linn of Wharton.	Yett.
Presler.	

Nays—none.

Absent.

Bailey.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.
Neal.	

Excused.

Rogers.	Tillett.
Stafford.	

PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure for use in the public free schools of this State a series of uniform text-books, defining the duties of certain officers therein named with reference thereto, making appropriation therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency,"

Action being on Senator Presler's motion to reconsider the vote by which the third committee amendment to the bill was lost.

The motion to reconsider prevailed by the following vote:

Yeas—13.

Boren.	Linn of Wharton.
Bowser.	Presler.
Colquitt.	Ross.
Darwin.	Terrell.
Goss.	Woods.
Gough.	Yett.
Harrison.	

Nays—8.

Atlee.	Greer.
Beall.	Lewis.
Burns.	Linn of Victoria.
Dibrell.	Turney.

Absent.

Bailey.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.
Neal.	

Excused.

Rogers.	Tillett.
Stafford.	

The amendmend was read, to-wit, Amend section 1 by striking out the words "President of the State University," and insert "Attorney-General."

The amendment was then adopted by the following vote:

Yeas—13.

Boren.	Linn of Wharton.
Bowser.	Presler.
Colquitt.	Ross.
Darwin.	Terrell.
Goss.	Woods.
Gough.	Yett.
Harrison.	

Nays—8.

Atlee.	Greer.
Beall.	Lewis.
Burns.	Linn of Victoria.
Dibrell.	Turney.

Absent.

Bailey.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.
Neal.	

Excused.

Rogers.	Tillett.
Stafford.	

(Senator Yett in the Chair.)

By Senator Turney:

Amend by striking out section 15, and insert in lieu thereof the following: "The provision of this act shall not apply to cities and towns which have assumed control of their schools, unless the same by a majority vote of their school trustees or aldermen elect to avail themselves of such provisions."

Lost by the following vote:

Yeas—8.

Beall.	Linn of Victoria.
Burns.	Linn of Wharton.
Dibrell.	Ross.
Lewis.	Turney.

Nays—12.

Atlee.	Gough.
Boren.	Harrison.
Bowser.	Presler.
Colquitt.	Terrell.
Darwin.	Woods.
Goss.	Yett.

Yeas.	Paired.	Nays.
Greer.	Bailey.	

Absent.

Kerr.	Stone.
Morriss.	Wayland.
Neal.	Yantis.

Excused.

Rogers.	Tillett.
Stafford.	

By Senator Ross:

Amend by striking out all after line 5, page 1, and insert the following:

An act creating a State text-book board and county text-book boards, defining the powers and duties thereof, and to authorize and to provide for the adoption, by the several counties of the State, respectively, of a uniform series of text-books, to be used in the public free schools in the respective counties, and to provide penalties for the violation of this act, and to repeal all laws in conflict herewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a State text-book board, composed of the members of the State Board of Education, is hereby created, and that the State Superintendent of Public Instruction is hereby made secretary of said board.

Sec. 2. Within thirty days after the passage of this act it shall be the duty of the secretary of the State text-book board to correspond with not less than twenty-five of the principal publishers of school text-books in the United States, so far as he may be able to ascertain, and solicit of said publishers proposals in accordance with the provisions of section 3 of this act, to furnish school books to be adopted for use in the public free schools of the State of Texas, as herein required.

Sec. 3. All school book publishers who desire to have their books placed upon the State text-book list, as herein provided, shall, before the day of the meeting of the said State text-book board, as hereinafter provided, for the purpose of making up the State text-book list, file with the secretary of the said board a receipt conditioned, as hereinafter required, from the Treasurer of the State of Texas, showing that the said publisher has deposited with the State Treasurer the sum of five hundred dollars (\$500), as herein after required, and a sealed proposal, showing the lowest net prices at which the said publisher will contract and agree to furnish his books, for cash, to the boards of public free school trustees of the State of Texas, or the agent or agents, or dealer or dealers, appointed by the county text-book boards, as hereinafter provided for. Said proposals shall be accompanied with specimen copies of all books offered for consideration by the State text-book board, and also a sworn statement of the said publisher, or duly authorized agent, to the effect that the prices contained in his proposal to the State text-book board are as low as he, the said publisher, sells the same books under any State, county, township, city or district contract in

the United States. Before the said State text-book board shall consider the proposal of any publisher, said publisher shall be required to deposit with the Treasurer of the State of Texas, who shall give said publisher a receipt for the same, the sum of five hundred dollars (\$500), conditioned that the said publisher will enter into a good and sufficient bond, with two or more good and solvent sureties residing in the State of Texas, to be approved by the Governor, payable to the State of Texas in the sum of five hundred dollars (\$500) for the faithful performance of all contracts he may make with county judges, as hereinafter required, which said bonus shall forthwith be filed with the secretary of the State text-book board and inure to the benefit of all parties interested therein, and shall not become void after one recovery thereon, but may be sued upon one or more times until exhausted. In case the publisher should refuse to enter into bond, as herein required, within 90 days after he shall have been notified, as hereinafter provided, then said deposit of five hundred dollars (\$500) shall revert to the permanent free school fund; but should said publisher enter into bond, as herein required, then said deposit shall be returned by the Treasurer to the publisher so depositing the same; but in no case shall such deposit be returned until a certificate of the secretary of the State text-book board, showing that such publisher has made such bond, has been filed with the State Treasurer.

Sec. 4. Ninety days after the passage of this act, and every succeeding five years thereafter, and at such intervening times as directed in this act, it shall be the duty of the State text-book board to meet, and after receiving from its secretary proposals from publishers to furnish school books, as herein required, they shall thereupon prepare a list of text-books from the books contained in such proposals, upon all those subjects required to be taught in the public free schools of the State of Texas; said list to be known as the State text-book list. The said State text-book list shall contain all suitable books on each subject offered which are required to be taught in the public free schools of the State of Texas, and in preparing said list due attention shall be given to literary excellence, quality of paper, binding and prices; provided, that no history or other text-book of partisan, sectional or sectarian character shall be placed

upon the said State text-book list; provided further, that the board may meet twice each year and add to this list any new book or books considered by the State text-book board as especially meritorious. Within twenty days after the completion of the State text-book list, and every supplemental list, it shall be the duty of the secretary of the State text-book board to prepare and transmit to each county judge of this State a printed schedule of all books upon said State text-book list and supplemental list, giving the name and description of each book thereon, the lowest net price of the same, and the name and postoffice address of the publisher thereof.

Sec. 5. Thirty days after the State text-book board has completed a State text-book list, the county commissioners court of each county in the State shall meet and elect a county text-book board. This board shall consist of five teachers holding first grade certificates, one from each commissioners' precinct when practicable, and one from the county at large; provided, that no teacher shall be elected a member of the county text-book board unless he has been a resident of the county at least twelve months prior to the date of his appointment; provided further, that in case there are not a sufficient number of teachers holding first grade certificates in the county possessing the other qualifications herein required, teachers holding second grade certificates shall be chosen, and if there are not a sufficient number of teachers holding second grade certificates possessing the other qualifications herein required, then the county commissioners' court shall elect five reputable, intelligent citizens of the county as the county text-book board. The county judge or county superintendent, as the case may be, is hereby made secretary of the county text-book board, but he shall not be allowed to vote on the adoption of any book. In case of death, resignation, failure or refusal of any member of the county text-book board to act, then it shall be the duty of the county judge to appoint someone having the necessary qualifications to fill the vacancy. Members of the county text-book board shall be elected and hold their office for the term of two years.

Sec. 6. It shall be the duty of the secretary of the county text-book board, within five days after the appointment of the members of said board, to notify such members of their appointment, and the date upon which

said board will meet for the adoption of books, as herein provided. It shall be his duty, also, to send the secretary of the State text-book board the names and postoffice address of each member of the text-book board of his county, the same to be open to inspection. He shall also send the names and postoffice addresses of each member of the county text-book board of his county to all publishers whose books are upon the State text-book list. He shall also receive and be the custodian of all sample books and propositions from publishers to furnish books, and present the same to the county text-book board at their meeting for the purpose of adopting books. All propositions of publishers to supply such books shall be sealed, and shall not be opened until the county text-book board shall meet for the purpose of considering the same.

Sec. 7. It shall be the duty of the county text-book board to meet at the county seat of their county on the third Tuesday in August, 1897, after the passage of this act, and select from the State text-book list a series of one book upon each subject required to be taught in the public free schools of the State of Texas. The books selected shall be used in all the public free schools of the said county to the exclusion of all other books, for a period of five years; provided, that after three years, and every year thereafter, the county judge may, upon a petition of a majority of the trustees, call together the county text-book board to make needed changes in text-books, but in no case shall the county text-book board adopt any book not listed upon the State text-book list; provided, that in no one year shall books be changed on more than 20 per cent of the subjects required to be taught by law in the public free schools.

Sec. 8. Immediately after the adoption of a list of books by the county text-book board, it shall be the duty of the county judge to enter into a contract with the publishers or publisher of the same, to supply the books so adopted for the schools of said county for a period of five years, or as long as said books are used by the county; provided, that no book so contracted for shall be at a higher cash price than stipulated in the State text-book list.

Sec. 9. Between the date on which this law goes into effect and the third Tuesday in August, 1897, inclusive, it shall be unlawful for any publisher, through any agent or agents, attorney

or attorneys, to attempt to exert, either directly or indirectly, any influence for his book before any school book board, or any member thereof, or in any way attempt to influence any individual member of the same by or through any agent or attorney, or give or promise to give any money or any valuable consideration for the aid, support or influence of any person or persons, directly or indirectly, to be exerted on behalf of such publisher; provided, that this section shall not prohibit publishers from advertising through newspapers or circulars. Any publisher violating any provisions of this section shall have his books stricken from the State text-book list, and if a domestic corporation, its charter shall be forfeited, and if a foreign corporation its certificate of authority to do business in the State of Texas shall be canceled and such foreign corporation shall not be allowed thereafter to have its books listed on the State text-book list. Any person who acts for any publisher, either as agent, attorney or otherwise, in the violation of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined in any sum not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000) for each offense.

Sec. 10. Cities, towns and independent school districts having charge of their schools, and supported by local taxation, shall not be compelled to use the text-books adopted by the county; provided, that on the third Tuesday in August, 1897, following the passage of this act, the trustees of such cities and towns and independent school districts shall meet and adopt a list of text-books from the State text-book list, subject to the same rules and regulations as govern in the case of county text-book boards.

Sec. 11. Adoption of books made by the board of trustees of cities and towns and independent school districts, and by the county text-book board, in accordance with this act, shall not be reconsidered, altered or amended, except at such times and in such manner as has been provided for in this act.

Sec. 12. Eighteen months after the passage of this law, the books adopted by each county and town and independent school district, as herein provided, shall be in exclusive use in such county, town and independent school district; provided, that no county treasurer shall pay out any money ap-

portioned or belonging to any school district which does not file with the county treasurer evidence that such school district seeking money has complied with the provisions of this act.

Sec. 13. The county commissioners court or trustees of the public free schools of the cities and towns and independent school districts, as the case may be, shall elect one or more dealers in each commissioner's district to handle these books for cost at an advance of not exceeding 20 per cent plus cost and carriage.

Sec. 14. In case any publisher whose books are adopted by any of the various county boards or trustees of independent school districts or cities shall desire to keep a depository in this State at some central point for the convenience of its patrons, they shall be allowed to charge an advance of 10 per cent on contract prices to defray the expense of such depository.

Sec. 15. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Pending action,

Senator Beall offered the following substitute for the amendment:

Amend by striking out all after line 5, page 1, of the bill, and insert in lieu thereof the following:

An act to provide for the adoption of school text-books by districts, school communities, independent school districts, and incorporated towns and cities, for use in the public free schools thereof in this State, to regulate contracts with publishers for such school text-books, to provide for the enforcement of such contracts, to provide for the distribution of such text-books, to forbid any member of a board of trustees accepting any agency, salary, commission or sum of money, by gift or otherwise, from any person, firm, association or corporation dealing in text-books, and to provide a penalty for the violation of any of the provisions of this act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That each board of trustees of the public free schools of this State shall have the exclusive control of the selection of text-books for use in its school or schools, and at any regular meeting of the board may determine by a majority vote of all its members the school text-books that shall be used by the school or schools under its control; provided, notice of

said meeting has been given by publication in some newspaper in the locality, for at least ten days prior to said meeting, or if there be no newspaper so published, by written or printed notices posted on the doors of the school house or school houses in the territory under the control of the said board; and provided further, that after a book has been selected as aforesaid, it shall not be changed for a period of three years, except by the unanimous vote of said board, and at a meeting called for that purpose, notice of which has been published for the time and in the manner above provided, the expense of the publication of each of the said notices to be paid out of the county school fund allotted to said district, school community, independent school district or incorporated town or city, as the case may be.

Sec. 2. Hereafter, before any publisher of school books, or agent thereof or other person, shall be permitted to enter into contract with any board of trustees of the public free schools of this State, under the provisions of this act, he shall file in the office of the State Superintendent of Public Instruction copies of the latest and best edition of such school books published by him, or for which he is agent, as are used, or that he offers for adoption for use in the schools of this State, together with (1) a statement of the cash prices at which such books will be delivered in single copies, or in quantities sufficient to supply the school, to the trustees or to the patrons of the school, by express or mail prepaid; (2) a statement of the cash prices at which said books will be furnished from a depository, which the publisher shall establish in some city within this State; (3) a statement of the lowest cash prices at which he will furnish such books from his home office; the statements to be accompanied by an affidavit of said publisher, or of said agent, or of such other person as the case may be, that such prices are as low as he sells the same book or books to the city of New York, the city of Philadelphia, the city of St. Louis, the city of Baltimore, or to the States of Nebraska or Minnesota, these cities and States having contracts with the publishers to furnish the books used therein respectively. The said publisher or other person seeking to contract with boards of trustees shall also submit to the State Superintendent of Instruction of this State to be approved

by him, a good and sufficient bond, signed by at least three solvent sureties, in the sum of not less than thousand dollars, and not more than fifty thousand dollars, to be fixed by the State Superintendent of Public Instruction, conditioned that the said publisher or other contracting person will faithfully perform any contracts made by him with trustees of the public free schools of this State, and for the faithful observance of the requirements of this act; and it shall not be lawful for any board of trustees in this State hereafter to contract with any publisher or agent thereof, or other person, until he shall have complied with all the provisions of this section; provided, that if any publisher shall comply with the provisions of this section, no additional bond shall be required of any agent of such publisher.

Sec. 3. Each board of trustees is hereby authorized to contract with the publisher of the books adopted or used in its district, (1) to furnish such books to the board, (2) to an agent or agents designated by the board, (3) to furnish the same in single copies or in quantities sufficient to supply the school, to the trustees or the patrons of the school by express or mail, prepaid on either or all of the ways above provided; provided, that the books furnished in pursuance of such contract shall equal in quality, material and binding the books deposited as samples with the State Superintendent of Public Instruction, and fully equal in both internal and in external qualities to the books now in general use in the State on the respective subjects; and provided further, that the prices stated in said contract shall not exceed the prices given in the statement hereinbefore mentioned filed with the State Superintendent of Public Instruction; and provided further, that the board may designate a dealer or dealers in books to handle the books at such price as may be agreed upon between the board and such dealer or dealers, in no event to exceed the price at which the publisher or agent thereof, or other person, has contracted to furnish said books by mail or express prepaid. It shall be the duty of the board of trustees to keep posted in each school room a list of the adopted books, together with a list of prices of same, giving the prices at which the board, or the agent or agents of the board, will sell the books to the pupils, and also the prices at which the

publisher will furnish the books in single copies by mail or express prepaid.

Sec. 4. On the first day of July of each year, the county superintendent, or the county judge, if there is no county superintendent, of each county shall furnish to the State Superintendent of Public Instruction the names of each board of trustees of his county, and on the twentieth day of each July, or as soon thereafter as practicable, the State Superintendent of Public Instruction shall prepare from the records and files of his office a list of all the books proposed to be furnished by each of the publishers who have filed statements as aforesaid, with him, together with the prices thereof, and he shall by mail immediately transmit a copy thereof to each board of trustees in this State. And it shall not be lawful for any publisher, or agent thereof, or other person, to ask any board of trustees to give, or to contract to give, or for any board of trustees to give, or to contract to give, more for any book than the price thereof as shown upon the said list.

Sec. 5. The State Superintendent of Public Instruction shall carefully label and file away all sample copies of the books so furnished as heretofore provided.

Sec. 6. Upon the filing of any written complaint with the county superintendent of any county, or with the county judge if there is no county superintendent, by any board of school trustees, charging any publisher, agent thereof, or other person, with violating the conditions of any contract that he may have made with the said board under the provisions of this act, the county judge of said county, upon notice of said violation, shall investigate the same, and if he finds probable cause of action he shall in the name of the State of Texas file suit in the district court of his county on the bond of said publisher, or other contracting party, hereinbefore mentioned, and any penalties or forfeitures so recovered from any such party for failure to comply with his contract shall revert to the available school fund of the said county. Said bond shall not be exhausted by a single recovery, but may be sued upon from time to time till the full amount thereof is recovered, and the board may at any time, after twenty days' notice, require a new bond to be given.

Sec. 7. Hereafter it shall not be lawful for any trustee of any public free school in this State to accept any

agency on salary, commission or otherwise, or to receive any sum of money or article of value by way of gift or otherwise from any person, firm, association of persons, or corporation dealing in school books, and any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter provided.

Sec. 8. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$10 nor more than \$100.

Sec. 9. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 10. The crowded condition of the calendar rendering it improbable that this bill can be considered upon three several days creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Senator Colquitt raised the point of order that the amendment (Ross') and the substitute (Beall's) were out of order for the reason that they were intended to strike out an entire bill, and were entire bills in themselves, which is in contravention to section 37, art. III, of the State Constitution, which requires all bills to be referred to a committee and reported thereon.

The Chair held that the point of order was not well taken, for the reason that the amendment and substitute therefor were not offered as a bill, but as amendments to a pending bill, and, being germane, were therefore in order.

Pending further consideration,

On motion of Senator Atlee, pending business was suspended to take up on second reading,

Senate bill No. 256, a bill to be entitled "An act to amend article 785 of the Revised Civil Statutes of the State of Texas, providing for the organization or reorganization of unorganized or disorganized counties."

Bill read second time.

By Senator Atlee:

Amend by adding the following:

"Sec. 2. The large number of bills on the calendar, and the near approach of the end of the present session of the Legislature, and the facility under the present law by which counties may be

organized, create an imperative public necessity and an emergency exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

(Lieutenant Governor Jester in the chair.)

Pending further consideration,

On motion of Senator Linn of Wharton, the pending business was suspended to take up, on second reading,

House bill No. 677, a bill to be entitled "An act to amend sections 23 and 24 of House bill No. 351, entitled 'An act to provide for the construction and maintenance of drains, ditches and water courses, and for the improvement and enlargement of natural drainage of the several counties within the Senate of Texas, and to repeal all laws in conflict with this act, passed at the present session.'"

On motion of Senator Linn of Wharton, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its second reading by the following vote:

Yeas—21.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Terrell.
Goss.	Turney.
Gough.	Woods.
Greer.	Yett.
Harrison.	

Nays—none.

Absent.

Bailey.	Neal.
Boren.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.

Excused.

Rogers. Tillett.

Bill read second time.

On motion of Senator Linn of Wharton, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Burns.
Beall.	Colquitt.
Bowser.	Darwin.

Dibrell.	Presler.
Goss.	Ross.
Gough.	Stafford.
Greer.	Terrell.
Harrison.	Turney.
Lewis.	Woods.
Linn of Victoria.	Yett.
Linn of Wharton.	

Nays—none.

Absent.

Bailey.	Neal.
Boren.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.

Excused.

Rogers. Tillet.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Terrell.
Goss.	Turney.
Gough.	Woods.
Greer.	Yett.
Harrison.	

Nays—none.

Absent.

Bailey.	Neal.
Boren.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.

Excused.

Rogers. Tillet.

By consent, the following were sent up:

By Senator Beall:

Protest from members of the bar of Hill county against the transfer of Hill county from the Fifth to the Second Supreme Judicial District.

Read and referred to the Committee on Judicial Districts.

By Senator Beall:

Petition of the Bar Association of Ellis county, asking for the creation of a new judicial district for Ellis county, and to change the jurisdiction of the district court of said district.

Read and referred to the Committee on Judicial Districts.

Senator Colquitt sent up the following

FREE CONFERENCE COMMITTEE REPORT.

Committee Room,
Austin, Texas, April 9, 1897.

Hon. Geo. T. Jester, President of the Senate, and Hon. L. T. Dashiell, Speaker of the House:

We, your free conference committee on House bill No. 107, having had the same under consideration, and the Senate amendments thereto, beg to report back as follows:

First. That the House concur in the first Senate amendment, and that it be adopted.

Second. That the Senate recede from its second amendment, and that it be not adopted.

Third. We offer the following as a substitute for Senate amendment No. 3, by adding to section 1 the following:

"Provided further, that this act shall not prohibit the storing of intoxicating liquors in unbroken packages by manufacturers or wholesale dealers in any such local option county, precinct, city, town or subdivision of a county which may be there stored for distribution in unbroken packages to dealers outside of any local option county, precinct, city, town or subdivision of a county."

Fourth. That the Senate recede from its fourth amendment, and that it be not adopted.

Respectfully submitted,

COLQUITT,
WOODS,
GOSS,
BEALL,

Committee on part of the Senate.
REUBELL,
MOORE of Lamar,
O'CONNOR,
LILLARD.

Committee on part of the House.

On motion of Senator Colquitt, the above report was adopted by the following vote:

Yeas—18.

Atlee.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Linn of Wharton.
Burns.	Presler.
Colquitt.	Ross.
Darwin.	Stafford.
Goss.	Terrell.
Greer.	Woods.
Harrison.	Yett.

Nays—2.

Gough. Turney.

Present, not voting.

Dibrell.

Absent.

Bailey.	Neal.
Boren.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.

Excused.

Rogers.	Tillett.
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HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
April 8, 1897.

Hon. George T. Jester, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the free conference committee report on House bill No. 107.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Greer, the regular order of business was suspended to take up on its second reading,

Senate bill No. 328, a bill to be entitled "An act to amend article 812 of the Revised Civil Statutes of Texas, relating to the removal of county seats,"

Action being on engrossment.

Pending action,

Senator Colquitt moved to adjourn to 10 a. m. tomorrow.

Senator Beall moved to adjourn to 10 a. m. Monday.

Lost by the following vote:

Yeas—7.

Atlee.	Linn of Victoria.
Beall.	Ross.
Darwin.	Yett.
Harrison.	

Nays—14.

Bowser.	Lewis.
Burns.	Linn of Wharton.
Colquitt.	Presler.
Dibrell.	Stafford.
Goss.	Terrell.
Gough.	Turney.
Greer.	Woods.

Absent.

Bailey.	Neal.
Boren.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.

Excused.

Rogers.	Tillett.
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The Senate then refused to adjourn to 10 a. m. tomorrow by the following vote:

Yeas—8.

Burns.	Ross.
Colquitt.	Stafford.
Lewis.	Terrell.
Linn of Victoria.	Woods.

Nays—13.

Atlee.	Greer.
Beall.	Harrison.
Bowser.	Linn of Wharton.
Darwin.	Presler.
Dibrell.	Turney.
Goss.	Yett.
Gough.	

Absent.

Bailey.	Neal.
Boren.	Stone.
Kerr.	Wayland.
Morriss.	Yantis.

Excused.

Rogers.	Tillett.
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Bill read second time.

Pending action,

Senator Gough moved that all Senate committee clerks be placed under the supervision of the Secretary of the Senate until all the work now in the engrossing and enrolling departments be completed.

Carried.

COMMITTEE REPORTS.**Committee Room,**

Austin, Texas, April 9, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Mining and Irrigation, to whom was referred

House bill No. 677, a bill to be entitled "An act to amend sections 23 and 24 of House bill No. 351, entitled 'An act to provide for the construction and maintenance of drains, ditches and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas, and to repeal all laws in conflict with this act, passed at the present session.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNEY, Chairman.

Committee Room,

Austin, Texas, April 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 13, "An act to abolish the unorganized counties of Buchel and Foley, and incorporate their territory in the county of Brewster; to provide for the payment of certain bonds held by the State against said unorganized counties out of funds now on hand to their credit, and for the transfer and payment of the balance of said funds to the proper officers of said Brewster county,"

And find the same correctly enrolled, and have this day, at 3:20 p. m., presented the same to the Governor for his approval.

YETT, Acting Chairman.

Committee Room,

Austin, Texas, April 9, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 356, a bill to be entitled "An act to amend chapter 2, title IV, of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

On motion of Senator Colquitt, the Senate took a recess till 10 a. m. tomorrow.

AFTER RECESS.

Senate called to order at 10 a. m.

Lieutenant Governor Jester in the chair.

On motion of Senator Gough, the Senate took a recess until 12 m.

AFTER RECESS.

Senate called to order.

Lieutenant Governor Jester in the chair.

On motion of Senator Gough, the Senate adjourned to 10 a. m. Monday.

SIXTY-NINTH DAY.

Senate Chamber,

Austin, Texas, Monday, April 12.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Bailey.	Burns.
Beall.	Colquitt.
Bowser.	Dibrell.

34—Senate.

Goss.	Rogers.
Gough.	Ross.
Greer.	Stafford.
Kerr.	Terrell.
Lewis.	Tillett.
Linn of Victoria.	Turney.
Morriss.	Woods.

Absent.

Atlee.	Presler.
Boren.	Stone.
Darwin.	Wayland.
Harrison.	Yantis.
Linn of Wharton.	Yett.
Neal.	

Prayer by the Chaplain, Rev. F. S. Jackson.

Almighty God: We thank Thee for the Christian Sabbath, with all its benefits and sacred memorials. That it was instituted for our good, joy, and safety, morally, mentally, and physically. We pray Thee, oh God, to impress upon us as we travel the busy walks of life, that unless we observe faithfully, and consciously keep the law of the Sabbath our growth and development as men will be abnormal in mind, body, or heart. We pray Thee to cultivate us in love and obedience that joyfully we may follow the program of life as Thou hast arranged it. Give us grace, wisdom, and strength for our duties and temptations to-day. Let Thy blessings be upon our homes, and Thy love cover our sins. These favors we ask, for Christ's sake. Amen.

Senator Beall moved a call of the Senate for the purpose of securing and maintaining a quorum, which was duly seconded and ordered, the following Senators answering to their names:

Bailey.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Morriss.
Burns.	Rogers.
Colquitt.	Ross.
Dibrell.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Kerr.	Woods.

Absent.

Atlee.	Presler.
Boren.	Stone.
Darwin.	Wayland.
Harrison.	Yantis.
Linn of Wharton.	Yett.
Neal.	

No quorum appearing, on motion of Senator Beall the Senate took a recess for thirty minutes.